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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,172	08/01/2003	Wilhelm Hagg	450117-04694	4591

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EXAMINER

PATEL, NIMESH G

ART UNIT

PAPER NUMBER

2112

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/633,172

Applicant(s)

HAGG ET AL.

Examiner

Nimesh G. Patel

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20030801</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites "from an intelligent gateway within said superior network." This phrase is unclear. The gateway device and the further gateway device are connected via said common network layer. It is not clear how the intelligent gateway is connected to the common network layer or the gateway devices. Also the claim recites the limitation "a further bus system" in line 5 of the claim. It is not clear if this is the same "at least one further bus system" claimed earlier or if this is different bus system.
4. The term "superior" in claim 1 is a relative term, which renders the claim indefinite. The term "superior" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term superior makes the network indefinite.
5. Claim 6 recites "an intelligent gateway." It is unclear if the "intelligent gateway" is part of the gateway device or a separate device and it is also unclear since "an intelligent gateway" has been claimed in claim 1.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-13 rejected under 35 U.S.C. 102(e) as being anticipated by Rudland et al.(US6,925,518), hereinafter referred to as Rudland.
8. Regarding claim 1, Rudland discloses a gateway device(Figure 3, 107) for connecting a respective bus system(Figure 3, 100) with a common network layer(Figure 3, 105) that is designed to build a superior network by connecting at least one further bus system(Figure 3, 110) via at least one further gateway device(Figure 3, 113) to said common network layer, said gateway device comprising a bus service interface to access all functionality and commands of a further bus system via said common network layer from an intelligent gateway(Figure 3, 108, 112) within said superior network(Column 6, Lines 48-58).
9. Regarding claim 2, Rudland discloses a gateway device, characterized in that said bus service interface is able to post bus events on said common network layer in case a device within said respective bus system indicates the possibility to communicate via said common network layer(Column 6, Lines 48-58).
10. Regarding claim 3, Rudland discloses a gateway device, characterized in that said bus service interface is usable by a device presenter to communicate with the corresponding real device connected to said respective bus system(Column 6, Lines 48-58).
11. Regarding claim 4, Rudland discloses a gateway device, characterized in that said bus service interface is able to represent a virtual device to its respective bus system based on a corresponding device emulator(Column 6, Lines 48-58).

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12. Regarding claim 5, Rudland discloses a gateway device, characterized in that said bus service interface communicates via said common network layer (300) according to the Universal Plug and Play protocol set(Column 7, Lines 28-32).

13. Regarding claim 6, Rudland discloses a gateway device, characterized by an intelligent gateway(Figure 3, 108,112) for communicating between gateway devices, which respectively connect a respective bus system, which comprises at least one physical device(Figure 3, 120), with a common network layer, comprising a static or dynamic possibility to provide at least one device presenter and/or at least one device emulator of at least one physical device to said common network layer(Column 6, Lines 48-58).

14. Regarding claim 7, Rudland discloses an intelligent gateway(Figure 3, 108,112) for communicating between gateway devices(Figure 3, 107; 113), which respectively connect a respective bus system(Figure 3, 100; 110), which comprises at least one physical device(Figure 3, 120; 140), with a common network layer(Figure 3, 105), comprising a static or dynamic possibility to provide at least one device presenter and/or at least one device emulator of at least one physical device to said common network layer(Column 6, Lines 48-58).

15. Regarding claim 8, Rudland discloses an intelligent gateway, characterized by a device manager that monitors bus events for new devices, which are posted on said common network layer (300), and finds, loads and assigns corresponding device presenters and/or emulators(Column 7, Lines 28-32).

16. Regarding claim 9, Rudland discloses an intelligent gateway, characterized in that said device manager loads device presenters and/or emulators from external sources(Column 7, Lines 28-32).

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17. Regarding claim 10, Rudland discloses an intelligent gateway, characterized in that a device presenter presents a real device on a bus system as a generic abstract device or service(Column 6, Lines 48-58).

18. Regarding claim 11, Rudland discloses an intelligent gateway, characterized in that a device emulator emulates a device on a bus system based on a generic abstract device or service presentation(Column 6, Lines 48-58).

19. Regarding claim 12, Rudland discloses an intelligent gateway, characterized in that said generic abstract device or service presentation is a presentation according to the Universal Plug and Play protocol set(Column 7, Lines 28-32).

20. Regarding claim 13, Rudland discloses a superior network that integrates at least two bus systems, each of which comprises a respective gateway device according to one of claim 1, comprising at least one intelligent gateway(Figure 3, 108,112) for communicating between gateway devices, which respectively connect a respective bus system, which comprises at least one physical device(Figure 3, 120), with a common network layer, comprising a static or dynamic possibility to provide at least one device presenter and/or at least one device emulator of at least one physical device to said common network layer, and a common network layer to which the respective gateways and said at least one intelligent gateway are connected(Column 6, Lines 48-58).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nimesh G. Patel whose telephone number is 571-272-3640. The examiner can normally be reached on M-F, 8:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nimesh G Patel  
Examiner  
Art Unit 2112

NP  
September 30, 2005

A handwritten signature in black ink, appearing to read 'Tim Vo', is written over the printed name and title.

**TIM VO**  
**PRIMARY EXAMINER**